IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 22129 of 2007(H)

AGAINST THE ORDER DATED 16/09/2006 IN IA 206/2006 IN OS.38/2003 of MUNSIFF COURT, KOLENCHERRRY

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PETITIONER:
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1. SASI, S/O AYYAPPAN,
PEEDIKAKUDIYIL, AIKKARANADU NORTH VILLAGE,
ERNAKULAM DISTRICT.

2. SUKUMARAN, S/O AYYAPPAN,
PEEDIKAKUDIYIL, ARIKKARANADU NORTH VILLAGE,
ERNAKULAM DISTRICT.

3. RAJAN, S/O AYYAPPAN,
PEEDIKAKUDIYIL, AIKKARANADU NORTH VILLAGE,
ERNAKULAM DISTRICT.

BY ADV. SRI.C.K.ABDUL RAHIM

RESPONDENTS:
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1. MOHANAN, S/O PARAMESWARAN NAIR,
AGED 52 YEARS, POTTANAM CHALIL HOUSE,
AIKKARANADU NORTH VILLAGE, ERNAKULAM DISTRICT.

2. SAROJINI AMMA, W/O ARAVINDAKSHAN NAIR,
AGED 52 YEARS, POTTANAM CHALIL HOUSE,
AIKKARANADUN NORTH VILLAGE,
ERNAKULAM DISTRICT.

3. THOMAS, S/O PAULOSE, AGED 51 YEARS,
KARAKKATTU HOUSE, AIKKARANADU NORTH VILLAGE,
ERNAKULAMD DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 22129 OF 2007

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Dated this the 18th day of July, 2007.

J U D G M E N T

This writ petition is filed against the orders of the Munsiff, Kolenchery refusing to receive a document and also the witness list. The petitioners herein are the defendants in the suit and they want to produce previous Commissioner's report and get it marked by examining him. It is submitted that it is very relevant for the purpose of deciding the controversy between the parties. It is true that there are some minor laches on the part of the petitioner. To have a fair trial that too especially at the first trial stage, it is desirable that parties opportunities are not shut out so that they will be having a full satisfaction of producing all the documents before Court, adduce evidence in support of their contentions and no hardship will be caused to the other side. If it necessitates recalling of witnesses of the plaintiff and further examining him that also can be done by the plaintiff and I am informed by the learned counsel for the writ

petitioner that the plaintiff's witnesses had been confronted with these documents at the stage of examination. So interest of justice requires petitioners to be given an opportunity for producing the documents and examining additional witnesses in the case. Therefore, the orders under challenge are set aside and I.A.Nos.235/06 and 236/06 in O.S.38/03 of the Munsiff Court, Kolencherry are allowed.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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